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PATENT
Customer No. 22,852
Attorney Docket No. 06999.0009-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Austin SMITH et al.) Group Art Unit: 1636
Serial No.: 09/686,880) Examiner: K. Katcheres
Filed: October 12, 2000)
For: LINEAGE SPECIFIC CELLS AND)
PROGENITOR CELLS)

Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

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MAY 29 2001
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RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated April 24, 2001, the Examiner required restriction under 35 U.S.C. § 121 between Groups I-VI as set forth in the Action at page 2. Applicants provisionally elect to prosecute Group I, claims drawn to a method of generating a culture and classified in class 435, subclass 325.

Applicants note that the restriction requirement is not directed to the claims as they entered the national phase under 35 U.S.C. § 371 in this application, but was inadvertently based on the claims as filed in the PCT, prior to amendment during international preliminary examination. A copy of the claims as amended during the preliminary examination period was included in the application papers as filed.

However, for the convenience of the Examiner, Applicants resubmit those claims as

further amended by preliminary amendment filed October 12, 2000. A copy of currently pending claims 1-25 is attached.

Applicants respectfully submit that each of pending claims 1-25 is sufficiently related to be examined in a single application. Accordingly, Applicants request examination to proceed on claims 1-25.


Applicants do not believe that any extensions of time are required to enter this response. However, in the event of error on the part of Applicants, please grant any extension of time that may be required and charge any additional required fees to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 24, 2001

By:


Leslie A. McDonell
Reg. No. 34,872